

REMARKS

I. Introduction

In response to the Office Action dated January 3, 2008, claims 1 and 8 have been amended. Claims 1-14 remain in the application. Re-examination and re-consideration of the application, as amended, are respectfully requested.

II. Telephone Interview of 7 April 2008

On April 7, 2008, a telephone interview of the application was held between the undersigned attorney, Examiner Bond, and Supervisory Examiner Hotelling. Claim 1 and the NTN reference were discussed.

The Applicants and the applicants attorney thank the Examiners for the personal and professional courtesies extended during the interview.

III. Prior Art Rejections

On pages (2)-(4) of the Office Action, claim 8 is rejected under 35 U.S.C. §103(a) as being obvious in view of "NTN Communications Inc 10-K SEC Filing of March 6, 2002" (NTN). On pages (5)-(8) of the Office Action, claims 9-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over NTN, U.S. Patent 5,779,549 (Walker) and Weitz, U.S. Publication 2003/0171148 (Weitz). On pages (8)-(11) of the Office Action, claims 1, 2, 12 and 13 are rejected under 35 U.S.C. §103(a) as being obvious in view of NTN and Junkin, U.S. Patent 6,193,610 (Junkin). On pages (11)-(12) of the Office Action, claims 4-7 are rejected under 35 U.S.C. §103(a) as being obvious in view of NTN, Junkin and Walker. On pages (12)-(13) are rejected under 35 U.S.C. §103(a) as being obvious in view of NTN, Junkin and Crockett et al., U.S. Publication 2004/00396631 (Crockett).

The Applicants respectfully traverse the rejections in light of the amendments to the claims presented herein and the argument presented at the interview and the arguments presented below.

The NTN Reference:

The NTN reference describes a system that develops and produces original programming and distributes game programming. The NTN system can provide up to 16 live events for

interactive play, allowing distribution of different programs to customers in different geographical locations. See Page 4, first full paragraph.

The NTN network broadcasts a variety of sports and interactive trivia games. The games are broadcast live, at specified times, and during live sporting contests when the NTN game corresponds to the live sporting contest. See Page 2, last full paragraph-page 3, second full paragraph.

The NTN network also broadcasts 30 minute general interest trivia games that start on the half-hour. Further, the NTN network allocates 14 minutes each hour for advertising spots. See Page 3, third and sixth paragraphs.

The Walker Reference

The ancillary Walker merely describes a method and a system for a distributed electronic tournament system in which many remotely located players participate in a tournament through input/output devices connected to a central controller which manages the tournament. The method includes the steps of (a) uniquely identifying a player communicating with the central controller via an associated input/output device; (b) responding to payment of an entry fee by the player for allowing the player to participate in a tournament occurring within a fixed time window via an associated input/output device; (c) accessing a database to store in the database player information that is generated as the player participates in the tournament, such information being available for use in a subsequent tournament, which is administered by said controller and in which the player participates; and (d) awarding the player a prize for achieving a pre-established performance level in the tournament. In another preferred embodiment, the method further includes the steps of determining whether the player has been qualified to advance to a subsequent game session, in which at least one player is eliminated from the previous game session; and permitting each player qualified to a subsequent game session to participate in that game session. The system includes software and hardware to implement the method steps.

The Weitz Reference:

The ancillary Weitz reference merely describes a generic cross-broadcast system for providing games on interactive television networks comprising an administration machine, a cross-

broadcast real-time upload means operative to interact with said administration machine and to provide continuous real-time updating to a plurality of carousel servers residing in one or more headends, a generic game server used for managing on-going online games, and a database server for keeping game related information. The cross-broadcast real-time upload means renders the operation or choice of a particular carousel server transparent to an operator of the system or to a programmer of the game server application.

The Junkin Reference

Junkin merely describes an interactive apparatus and method that allows participants to compete in an interactive game, such as a contest or sporting event, occurring in real time or as a taped broadcast of a real time event. The event with which the participant may interact is broadcast live or previously taped but not aired. At home, participants can play along with the broadcast on a real time basis as a previously taped segment of the television show is aired. Interactive play may be accomplished by access to an on-line version of the game while the corresponding game show airs live or is rebroadcast to the participant for the first time on television.

The Crockett Reference

Crockett merely describes a software based tool that provides an assessment of an organization's customer relationship management capabilities. The tool can, in some cases, assign scores to customer relationship management capabilities in response to receipt of input from a user. An assessment is provided of the customer relationship management capabilities based on the scores assigned to the customer relationship management capabilities.

The Claims are Patentable Over the Cited References

Independent claims 1 and 8 are generally directed to methods and systems for interactive gaming on a television. A method in accordance with the present invention comprises transmitting a gaming application from a gaming system to a plurality of receivers via a first communications network, and storing the gaming application at the receiver, initiating a game from the gaming application at a time other than a time of transmission of the gaming application, submitting a user identification, generating a plurality of questions for a skill level, initiating a question answer

sequence, incrementing through the plurality of questions while progressing through the question answer sequence, incrementing the skill level upon completion of the question answer sequence for the plurality of questions, iteratively repeating steps until at least one of a user exits the game and each skill level is complete, calculating a time based score component for each skill level, calculating a bonus score component for each skill level, summing the time based score component and the bonus score component in order to determine a total level score for each skill level, calculating a real time total user score associated with the results of the question answer sequence by summing the total level score for each skill level completed by the user, transmitting the real time total user score to the gaming system via a second communications network, and transmitting a ranking of the real time total user scores for each user via the first communications network. .

The cited references do not teach nor suggest the limitations of the present invention. Specifically, the cited references do not teach nor suggest at least the limitation of initiating a game from the gaming application at a time other than a time of transmission of the gaming application as recited in the claims of the present invention.

The NTN reference performs live broadcasts of trivia games, where the trivia game must be played at the time of transmission of the gaming application (see NTN, pages 2-3). There is no teaching in the NTN reference that games may be played at a time other than the transmission time. Further, the NTN reference promotes transmitting the broadcast and playing the game at the same time everywhere, "to provide customers the opportunity to compete against one another as well as against consumers in other locations across the country." See Page 3 of NTN.

The present invention is not limited to real-time competition between various users of the system. The gaming application is stored for use at the receiver, and the user can initiate the game at a time other than a time of transmission (broadcast) of the gaming application. Thus, users can compete against each other at various times, rather than in real-time as shown in the NTN reference. Support for the amendments and arguments made herein are found in the specification as filed in at least paragraphs [008]- [011], [0030], and [0032].

The ancillary Walker, Weitz, Junkin, and Crockett references do not remedy this deficiency of the NTN reference. For example, Walker is a tournament style system that, again, everyone participates in real-time; there are no allowances for users to play at a time other than the time of

transmission of the game. Junkin, although using either live or tape-delayed video feeds, still requires the participants to play at the same time as the transmission of the programming.

Moreover, the various elements of Applicants' claimed invention together provide operational advantages over NTN, Walker, Wetiz and Crockett. In addition, Applicants' invention solves problems not recognized by NTN, Walker, Wetiz and Crockett.

Thus, Applicants submit that independent claims 1 and 8 are allowable over NTN, Walker, Wetiz and Crockett. Further, dependent claims 2-7 and 9-14 are submitted to be allowable over NTN, Walker, Wetiz and Crockett in the same manner, because they are dependent on independent claims 1 and 8, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-7 and 9-14, recite additional novel elements not shown by NTN, Walker, Wetiz and Crockett.

IV. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

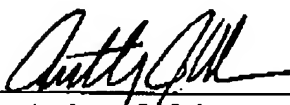
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